

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

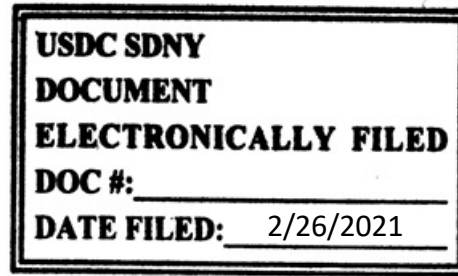
Jeriel Alexander,

Plaintiff,

-against-

Private Protective Services, Inc.,

Defendant.



1:19-cv-10004 (JPO) (SDA)

ORDER OF SERVICE

STEWART D. AARON, United States Magistrate Judge:

Pursuant to 28 U.S.C. § 1915, the Court is making diligent efforts to serve process on Defendant on behalf of Plaintiff, who is proceeding in this action without prepayment of fees, that is, *in forma pauperis*. (See ECF No. 4, 15.) Because Defendant is a corporation, Plaintiff has the option of effecting service on Defendant via personal service on the New York Secretary of State, as statutory agent for service of process on a business corporation. See Fed. R. Civ. P. 4(h)(1)(a); N.Y. C.P.L.R. 311; N.Y. Bus. Corp. Law § 306. Such service entails a \$40.00 statutory fee, which the Court may not pay on Plaintiff's behalf, notwithstanding Plaintiff's *in forma pauperis* status. See *Malik v. Lavalley*, 994 F.2d 90, 90 (2d Cir. 1993); *Fisch v. Republic of Poland*, No. 07-cv-07204 (LAP) (KNF), 2007 WL 3120274, at *2 (S.D.N.Y. Oct. 23, 2007).

The Court is advised that, in accord with the Court's Order of Service dated January 20, 2021, the U.S. Marshals Service for the Southern District of New York (the "Marshals Service") has received from Plaintiff a money order for \$40 made payable to "Department of State."

To allow Plaintiff to effect service on Defendant through the Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-

285 form”) for service of process on Defendant via the New York Secretary of State, using the following address:

Office of the New York Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service on Defendant via the New York Secretary of State, including the above-referenced USM-285 form. Further information on this method of service of process may be found here: <https://www.dos.ny.gov/corps/servinstr.html>.¹

Upon receipt of the above-referenced paperwork from the Clerk of Court, the Marshals Service shall coordinate with its counterpart for the Northern District of New York to facilitate service on Defendant via personal service on the New York Secretary of State at the above-referenced address.

The Clerk of Court is respectfully requested to mail a copy of this Order to Plaintiff. My Chambers will forward a copy of this Order to the Marshals Service.

SO ORDERED.

DATED: New York, New York
February 26, 2021



STEWART D. AARON
United States Magistrate Judge

¹ From the Court’s review of the New York Department of State’s “Corporation and Business Entity Database,” available at https://appext20.dos.ny.gov/corp_public/corptest.entity_search_entry, it appears that the name under which Defendant is officially registered with New York State is “Private Protective Services Inc.”—*i.e.*, without a comma between “Services” and “Inc.”